

ASSEMBLY BILL

No. 1882

**Introduced by Assembly Member Cooley
(Principal coauthor: Assembly Member Dickinson)**

February 19, 2014

An act to amend Sections 309, 361.45, 11450, and 11477.02 of, and to add Section 13758 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1882, as introduced, Cooley. CalWORKs: relative caregivers.

Existing law requires each county to provide cash assistance and other social services to needy families through the California Work Opportunity and Responsibility to Kids (CalWORKs) program using federal Temporary Assistance to Needy Families (TANF) block grant program, state, and county funds. Existing law specifies the amounts of cash aid to be paid each month to CalWORKs recipients.

This bill would specify certain additional amounts to be paid under the CalWORKs program to a child placed in the home of a relative caregiver, including reimbursement for the cost of reasonable travel for the child to remain in the school in which he or she is enrolled at the time of placement, a specialized care increment, as defined, and a clothing allowance, as specified.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, a child is eligible for AFDC-FC if he or she is placed in the approved home of a relative and is otherwise

eligible for federal financial participation in the AFDC-FC payment, as specified.

Under existing law, if the county welfare department places a child who is in temporary custody or subject to the jurisdiction of the juvenile court with a relative or nonrelative extended family member, as defined, the county is required to evaluate and approve or deny the home for purposes of AFDC-FC eligibility.

This bill would additionally require the county to evaluate and approve or deny the home for purposes of CalWORKs eligibility. The bill would also require the county social worker to explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs as well as any actions the relative could take to affect the child's eligibility for those programs. By requiring county social workers to provide these services, this bill would impose a state-mandated local program.

Existing law requires that every youth who is in foster care and nearing emancipation be screened by the county for potential eligibility for the federal Supplemental Security Income (SSI) program.

This bill would require that every youth who is in foster care and has been determined to be ineligible for AFDC-FC benefits be screened by the county for potential eligibility for the SSI program. By imposing this additional duty on counties, this bill would impose a state-mandated local program.

Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under the CalWORKs program.

This bill would instead provide that the continuous appropriation would not be made for purposes of implementing the bill.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 309 of the Welfare and Institutions Code
2 is amended to read:

3 309. (a) Upon delivery to the social worker of a child who has
4 been taken into temporary custody under this article, the social
5 worker shall immediately investigate the circumstances of the child
6 and the facts surrounding the child's being taken into custody and
7 attempt to maintain the child with the child's family through the
8 provision of services. The social worker shall immediately release
9 the child to the custody of the child's parent, guardian, or
10 responsible relative, regardless of the parent's, guardian's, or
11 relative's immigration status, unless one or more of the following
12 conditions exist:

13 (1) The child has no parent, guardian, or responsible relative;
14 or the child's parent, guardian, or responsible relative is not willing
15 to provide care for the child.

16 (2) Continued detention of the child is a matter of immediate
17 and urgent necessity for the protection of the child and there are
18 no reasonable means by which the child can be protected in his or
19 her home or the home of a responsible relative.

20 (3) There is substantial evidence that a parent, guardian, or
21 custodian of the child is likely to flee the jurisdiction of the court.

22 (4) The child has left a placement in which he or she was placed
23 by the juvenile court.

24 (5) The parent or other person having lawful custody of the
25 child voluntarily surrendered physical custody of the child pursuant
26 to Section 1255.7 of the Health and Safety Code and did not
27 reclaim the child within the 14-day period specified in subdivision
28 (e) of that section.

29 (b) In any case in which there is reasonable cause for believing
30 that a child who is under the care of a physician and surgeon or a
31 hospital, clinic, or other medical facility and cannot be immediately
32 moved and is a person described in Section 300, the child shall be
33 deemed to have been taken into temporary custody and delivered
34 to the social worker for the purposes of this chapter while the child
35 is at the office of the physician and surgeon or the medical facility.

36 (c) If the child is not released to his or her parent or guardian,
37 the child shall be deemed detained for purposes of this chapter.

(d) (1) If an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending the detention hearing, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs, and a consideration of the results of a criminal records check conducted pursuant to subdivision (a) of Section 16504.5 and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. A relative's identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for conducting a criminal records check and fingerprint clearance check under this subdivision. Upon completion of this assessment, the child may be placed in the assessed home. For purposes of this paragraph, and except for the criminal records check conducted pursuant to subdivision (a) of Section 16504.5, the standards used to determine suitability shall be the same standards set forth in the regulations for the licensing of foster family homes.

(2) Immediately following the placement of a child in the home of a relative or a nonrelative extended family member, the county welfare department shall evaluate and approve or deny the home for purposes of AFDC-FC eligibility pursuant to Section 11402 and CalWORKs eligibility pursuant to Article 2 (commencing with Section 11250) of Chapter 2 of Part 3 of Division 9. *If the county determines that the child is not eligible for AFDC-FC benefits, the county welfare department shall explain the specific basis for this determination and shall immediately screen the child for eligibility for the federal Supplemental Security Income program in accordance with Section 13758. If aid is granted under the AFDC-FC or CalWORKs program, the beginning date of aid shall be the date the child was placed with the relative or nonrelative extended family member.* ~~The~~

(3) ~~The~~ standards used to evaluate and grant or deny approval of the home of the relative and of the home of a nonrelative extended family member, as described in Section 362.7, shall be the same standards set forth in regulations for the licensing of

1 foster family homes which prescribe standards of safety and
2 sanitation for the physical plant and standards for basic personal
3 care, supervision, and services provided by the caregiver.

4 ~~(3)~~

5 (4) To the extent allowed by federal law, as a condition of
6 receiving funding under Title IV-E of the federal Social Security
7 Act (42 U.S.C. Sec. 670 et seq.), if a relative or nonrelative
8 extended family member meets all other conditions for approval,
9 except for the receipt of the Federal Bureau of Investigation's
10 criminal history information for the relative or nonrelative extended
11 family member, and other adults in the home, as indicated, the
12 county welfare department may approve the home and document
13 that approval, if the relative or nonrelative extended family
14 member, and each adult in the home, has signed and submitted a
15 statement that he or she has never been convicted of a crime in the
16 United States, other than a traffic infraction as defined in paragraph
17 (1) of subdivision (a) of Section 42001 of the Vehicle Code. If,
18 after the approval has been granted, the department determines
19 that the relative or nonrelative extended family member or other
20 adult in the home has a criminal record, the approval may be
21 terminated.

22 ~~(4)~~

23 (5) If the criminal records check indicates that the person has
24 been convicted of a crime for which the Director of Social Services
25 cannot grant an exemption under Section 1522 of the Health and
26 Safety Code, the child shall not be placed in the home. If the
27 criminal records check indicates that the person has been convicted
28 of a crime for which the Director of Social Services may grant an
29 exemption under Section 1522 of the Health and Safety Code, the
30 child shall not be placed in the home unless a criminal records
31 exemption has been granted by the county based on substantial
32 and convincing evidence to support a reasonable belief that the
33 person with the criminal conviction is of such good character as
34 to justify the placement and not present a risk of harm to the child.

35 (e) (1) If the child is removed, the social worker shall conduct,
36 within 30 days, an investigation in order to identify and locate all
37 grandparents, adult siblings, and other adult relatives of the child,
38 as defined in paragraph (2) of subdivision (f) of Section 319,
39 including any other adult relatives suggested by the parents. The
40 social worker shall provide to all adult relatives who are located,

1 except when that relative's history of family or domestic violence
2 makes notification inappropriate, within 30 days of removal of the
3 child, written notification and shall also, whenever appropriate,
4 provide oral notification, in person or by telephone, of all the
5 following information:

6 (A) The child has been removed from the custody of his or her
7 parent or parents, or his or her guardians.

8 (B) An explanation of the various options to participate in the
9 care and placement of the child and support for the child's family,
10 including any options that may be lost by failing to respond. The
11 notice shall provide information about providing care for the child
12 while the family receives reunification services with the goal of
13 returning the child to the parent or guardian, how to become a
14 foster family home or approved relative or nonrelative extended
15 family member as defined in Section 362.7, and additional services
16 and support that are available in out-of-home placements. The
17 notice shall also include ~~information regarding~~ *a summary of the*
18 *eligibility requirements, application procedures, and benefit*
19 *amounts for the AFDC-FC program (Article 5 (commencing with*
20 *Section 11400) of Chapter 2 of Part 3 of Division 9), including*
21 *any specialized care increments, as described in Section 11461,*
22 *the Kin-GAP Program (Article 4.5 (commencing with Section*
23 *11360) of Chapter 2 of Part 3 of Division 9), the CalWORKs*
24 *program for approved relative caregivers (Chapter 2 (commencing*
25 *with Section 11200) of Part 3 of Division 9), adoption, and*
26 *adoption assistance (Chapter 2.1 (commencing with Section 16115)*
27 *of Part 4 of Division 9), as well as other options for contact with*
28 *the child, including, but not limited to, visitation. The State*
29 *Department of Social Services, in consultation with the County*
30 *Welfare Directors Association of California and other interested*
31 *stakeholders, shall develop the written notice.*

32 ~~On and after January 1, 2011, the~~ *The* social worker shall
33 also provide the adult relatives notified pursuant to paragraph (1)
34 with a relative information form to provide information to the
35 social worker and the court regarding the needs of the child. The
36 form shall include a provision whereby the relative may request
37 the permission of the court to address the court, if the relative so
38 chooses. The Judicial Council, in consultation with the State
39 Department of Social Services and the County Welfare Directors
40 Association of California, shall develop the form.

(3) The social worker shall use due diligence in investigating the names and locations of the relatives pursuant to paragraph (1), including, but not limited to, asking the child in an age-appropriate manner about relatives important to the child, consistent with the child's best interest, and obtaining information regarding the location of the child's adult relatives. Each county welfare department shall create and make public a procedure by which relatives of a child who has been removed from his or her parents or guardians may identify themselves to the county welfare department and be provided with the notices required by paragraphs (1) and (2).

(f) In addition to the notice required by subdivision (e), if a relative requests placement of the child, the county social worker shall explain to the relative, either in person or by telephone, the eligibility requirements and benefit amounts for the AFDC-FC and CalWORKs programs as well as any actions the relative could take to affect the child's eligibility for those programs.

SEC. 2. Section 361.45 of the Welfare and Institutions Code is amended to read:

361.45. (a) Notwithstanding any other provision of law, when the sudden unavailability of a foster caregiver requires a change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court pursuant to Section 300, if an able and willing relative, as defined in Section 319, or an able and willing nonrelative extended family member, as defined in Section 362.7, is available and requests temporary placement of the child pending resolution of the emergency situation, the county welfare department shall initiate an assessment of the relative's or nonrelative extended family member's suitability, which shall include an in-home inspection to assess the safety of the home and the ability of the relative or nonrelative extended family member to care for the child's needs, and a consideration of the results of a criminal records check conducted pursuant to Section 16504.5 and a check of allegations of prior child abuse or neglect concerning the relative or nonrelative extended family member and other adults in the home. Upon completion of this assessment, the child may be placed in the assessed home. For purposes of this paragraph, and except for the criminal records check conducted pursuant to Section 16504.5, the standards used to determine

1 suitability shall be the same standards set forth in the regulations
2 for the licensing of foster family homes.

3 (b) Immediately following the placement of a child in the home
4 of a relative or a nonrelative extended family member, the county
5 welfare department shall evaluate and approve or deny the home
6 for purposes of AFDC-FC eligibility pursuant to Section 11402
7 *and CalWORKs eligibility pursuant to Article 2 (commencing with*
8 *Section 11250) of Chapter 2 of Part 3 of Division 9. If aid is*
9 *granted under either program, the beginning date of aid shall be*
10 *the date the child was placed with the relative or nonrelative*
11 *extended family member.* ~~The~~

12 (c) The standards used to evaluate and grant or deny approval
13 of the home of the relative and of the home of a nonrelative
14 extended family member, as described in Section 362.7, shall be
15 the same standards set forth in regulations for the licensing of
16 foster family homes which prescribe standards of safety and
17 sanitation for the physical plant and standards for basic personal
18 care, supervision, and services provided by the caregiver.

19 ~~(e)~~

20 (d) If a relative or nonrelative extended family member, and
21 other adults in the home, as indicated, meets all other conditions
22 for approval, except for the receipt of the Federal Bureau of
23 Investigation's criminal history information for the relative or
24 nonrelative extended family member, the county welfare
25 department may approve the home and document that approval,
26 if the relative or nonrelative extended family member, and each
27 adult in the home, has signed and submitted a statement that he or
28 she has never been convicted of a crime in the United States, other
29 than a traffic infraction as defined in paragraph (1) of subdivision
30 (a) of Section 42001 of the Vehicle Code. If, after the approval
31 has been granted, the department determines that the relative or
32 nonrelative extended family member or other adult in the home
33 has a criminal record, the approval may be terminated.

34 ~~(d) (1) On and after January 1, 2012, if~~

35 (e) (1) If a nonminor dependent, as defined in subdivision (v)
36 of Section 11400, is placed in the home of a relative or nonrelative
37 extended family member, the home shall be approved using the
38 same standards set forth in regulations as described in Section
39 1502.7 of the Health and Safety Code.

1 ~~On or before July 1, 2012, the~~ *The* department, in
2 consultation with representatives of the Legislature, the County
3 Welfare Directors Association, the Chief Probation Officers of
4 California, the California Youth Connection, the Judicial Council,
5 former foster youth, child advocacy organizations, dependency
6 counsel for children, juvenile justice advocacy organizations, foster
7 caregiver organizations, labor organizations, and representatives
8 of Indian tribes, shall revise regulations regarding health and safety
9 standards for approving relative homes in which nonminor
10 dependents, as defined in subdivision (v) of Section 11400, of the
11 juvenile court are placed under the responsibility of the county
12 welfare or probation department, or an Indian tribe that entered
13 into an agreement pursuant to Section 10553.1.

14 (3) Notwithstanding the Administrative Procedure Act (Chapter
15 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
16 Title 2 of the Government Code), the department, in consultation
17 with the stakeholders listed in paragraph (2), shall prepare for
18 implementation of the applicable provisions of this section by
19 publishing all-county letters or similar instructions from the director
20 by October 1, 2011, to be effective January 1, 2012. Emergency
21 regulations to implement this section may be adopted by the
22 director in accordance with the Administrative Procedure Act. The
23 initial adoption of the emergency regulations and one readoption
24 of the initial regulations shall be deemed to be an emergency and
25 necessary for the immediate preservation of the public peace,
26 health, safety, or general welfare. Initial emergency regulations
27 and the first readoption of those emergency regulations shall be
28 exempt from review by the Office of Administrative Law. The
29 emergency regulations authorized by this section shall be submitted
30 to the Office of Administrative Law for filing with the Secretary
31 of State and shall remain in effect for no more than 180 days.

32 SEC. 3. Section 11450 of the Welfare and Institutions Code is
33 amended to read:

34 11450. (a) (1) Aid shall be paid for each needy family, which
35 shall include all eligible brothers and sisters of each eligible
36 applicant or recipient child and the parents of the children, but
37 shall not include unborn children, or recipients of aid under Chapter
38 3 (commencing with Section 12000), qualified for aid under this
39 chapter. In determining the amount of aid paid, and notwithstanding
40 the minimum basic standards of adequate care specified in Section

11452, the family's income, exclusive of any amounts considered exempt as income or paid pursuant to subdivision (e) or Section 11453.1, determined for the prospective semiannual period pursuant to Sections 11265.1, 11265.2, and 11265.3, and then calculated pursuant to Section 11451.5, shall be deducted from the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2). In no case shall the amount of aid paid for each month exceed the sum specified in the following table, as adjusted for cost-of-living increases pursuant to Section 11453 and paragraph (2), plus any special needs, as specified in subdivisions (c), (e), ~~and~~ (f), and (g):

Number of eligible needy persons in the same home	Maximum aid
1.....	\$ 326
2.....	535
3.....	663
4.....	788
5.....	899
6.....	1,010
7.....	1,109
8.....	1,209
9.....	1,306
10 or more.....	1,403

If, when, and during those times that the United States government increases or decreases its contributions in assistance of needy children in this state above or below the amount paid on July 1, 1972, the amounts specified in the above table shall be increased or decreased by an amount equal to that increase or decrease by the United States government, provided that no increase or decrease shall be subject to subsequent adjustment pursuant to Section 11453.

(2) The sums specified in paragraph (1) shall not be adjusted for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94, 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through October 31, 1998, nor shall that amount be included in the base

1 for calculating any cost-of-living increases for any fiscal year
2 thereafter. Elimination of the cost-of-living adjustment pursuant
3 to this paragraph shall satisfy the requirements of Section 11453.05,
4 and no further reduction shall be made pursuant to that section.

5 (b) (1) When the family does not include a needy child qualified
6 for aid under this chapter, aid shall be paid to a pregnant mother
7 who is 18 years of age or younger at any time after verification of
8 pregnancy, in the amount that would otherwise be paid to one
9 person, as specified in subdivision (a), if the mother, and child, if
10 born, would have qualified for aid under this chapter. Verification
11 of pregnancy shall be required as a condition of eligibility for aid
12 under this subdivision.

13 (2) Notwithstanding paragraph (1), when the family does not
14 include a needy child qualified for aid under this chapter, aid shall
15 be paid to a pregnant mother for the month in which the birth is
16 anticipated and for the three-month period immediately prior to
17 the month in which the birth is anticipated in the amount that would
18 otherwise be paid to one person, as specified in subdivision (a), if
19 the mother and child, if born, would have qualified for aid under
20 this chapter. Verification of pregnancy shall be required as a
21 condition of eligibility for aid under this subdivision.

22 (3) Paragraph (1) shall apply only when the Cal-Learn Program
23 is operative.

24 (c) The amount of forty-seven dollars (\$47) per month shall be
25 paid to pregnant mothers qualified for aid under subdivision (a)
26 or (b) to meet special needs resulting from pregnancy if the mother,
27 and child, if born, would have qualified for aid under this chapter.
28 County welfare departments shall refer all recipients of aid under
29 this subdivision to a local provider of the Women, Infants and
30 Children program. If that payment to pregnant mothers qualified
31 for aid under subdivision (a) is considered income under federal
32 law in the first five months of pregnancy, payments under this
33 subdivision shall not apply to persons eligible under subdivision
34 (a), except for the month in which birth is anticipated and for the
35 three-month period immediately prior to the month in which
36 delivery is anticipated, if the mother, and the child, if born, would
37 have qualified for aid under this chapter.

38 (d) For children receiving AFDC-FC under this chapter, there
39 shall be paid, exclusive of any amount considered exempt as
40 income, an amount of aid each month which, when added to the

1 child's income, is equal to the rate specified in Section 11460,
2 11461, 11462, 11462.1, or 11463. In addition, the child shall be
3 eligible for special needs, as specified in departmental regulations.

4 (e) In addition to the amounts payable under subdivision (a)
5 and Section 11453.1, a family shall be entitled to receive an
6 allowance for recurring special needs not common to a majority
7 of recipients. These recurring special needs shall include, but not
8 be limited to, special diets upon the recommendation of a physician
9 for circumstances other than pregnancy, and unusual costs of
10 transportation, laundry, housekeeping services, telephone, and
11 utilities. The recurring special needs allowance for each family
12 per month shall not exceed that amount resulting from multiplying
13 the sum of ten dollars (\$10) by the number of recipients in the
14 family who are eligible for assistance.

15 (f) After a family has used all available liquid resources, both
16 exempt and nonexempt, in excess of one hundred dollars (\$100),
17 with the exception of funds deposited in a restricted account
18 described in subdivision (a) of Section 11155.2, the family shall
19 also be entitled to receive an allowance for nonrecurring special
20 needs.

21 (1) An allowance for nonrecurring special needs shall be granted
22 for replacement of clothing and household equipment and for
23 emergency housing needs other than those needs addressed by
24 paragraph (2). These needs shall be caused by sudden and unusual
25 circumstances beyond the control of the needy family. The
26 department shall establish the allowance for each of the
27 nonrecurring special need items. The sum of all nonrecurring
28 special needs provided by this subdivision shall not exceed six
29 hundred dollars (\$600) per event.

30 (2) Homeless assistance is available to a homeless family
31 seeking shelter when the family is eligible for aid under this
32 chapter. Homeless assistance for temporary shelter is also available
33 to homeless families which are apparently eligible for aid under
34 this chapter. Apparent eligibility exists when evidence presented
35 by the applicant, or which is otherwise available to the county
36 welfare department, and the information provided on the
37 application documents indicate that there would be eligibility for
38 aid under this chapter if the evidence and information were verified.
39 However, an alien applicant who does not provide verification of
40 his or her eligible alien status, or a woman with no eligible children

1 who does not provide medical verification of pregnancy, is not
2 apparently eligible for purposes of this section.

3 A family is considered homeless, for the purpose of this section,
4 when the family lacks a fixed and regular nighttime residence; or
5 the family has a primary nighttime residence that is a supervised
6 publicly or privately operated shelter designed to provide temporary
7 living accommodations; or the family is residing in a public or
8 private place not designed for, or ordinarily used as, a regular
9 sleeping accommodation for human beings. A family is also
10 considered homeless for the purpose of this section if the family
11 has received a notice to pay rent or quit. The family shall
12 demonstrate that the eviction is the result of a verified financial
13 hardship as a result of extraordinary circumstances beyond their
14 control, and not other lease or rental violations, and that the family
15 is experiencing a financial crisis that could result in homelessness
16 if preventative assistance is not provided.

17 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)
18 a day shall be available to families of up to four members for the
19 costs of temporary shelter, subject to the requirements of this
20 paragraph. The fifth and additional members of the family shall
21 each receive fifteen dollars (\$15) per day, up to a daily maximum
22 of one hundred twenty-five dollars (\$125). County welfare
23 departments may increase the daily amount available for temporary
24 shelter as necessary to secure the additional bedspace needed by
25 the family.

26 (ii) This special need shall be granted or denied immediately
27 upon the family's application for homeless assistance, and benefits
28 shall be available for up to three working days. The county welfare
29 department shall verify the family's homelessness within the first
30 three working days and if the family meets the criteria of
31 questionable homelessness established by the department, the
32 county welfare department shall refer the family to its early fraud
33 prevention and detection unit, if the county has such a unit, for
34 assistance in the verification of homelessness within this period.

35 (iii) After homelessness has been verified, the three-day limit
36 shall be extended for a period of time which, when added to the
37 initial benefits provided, does not exceed a total of 16 calendar
38 days. This extension of benefits shall be done in increments of one
39 week and shall be based upon searching for permanent housing
40 which shall be documented on a housing search form; good cause;

1 or other circumstances defined by the department. Documentation
2 of a housing search shall be required for the initial extension of
3 benefits beyond the three-day limit and on a weekly basis thereafter
4 as long as the family is receiving temporary shelter benefits. Good
5 cause shall include, but is not limited to, situations in which the
6 county welfare department has determined that the family, to the
7 extent it is capable, has made a good faith but unsuccessful effort
8 to secure permanent housing while receiving temporary shelter
9 benefits.

10 (B) A nonrecurring special need for permanent housing
11 assistance is available to pay for last month's rent and security
12 deposits when these payments are reasonable conditions of securing
13 a residence, or to pay for up to two months of rent arrearages, when
14 these payments are a reasonable condition of preventing eviction.

15 The last month's rent or monthly arrearage portion of the
16 payment (i) shall not exceed 80 percent of the family's total
17 monthly household income without the value of CalFresh benefits
18 or special needs for a family of that size and (ii) shall only be made
19 to families that have found permanent housing costing no more
20 than 80 percent of the family's total monthly household income
21 without the value of CalFresh benefits or special needs for a family
22 of that size.

23 However, if the county welfare department determines that a
24 family intends to reside with individuals who will be sharing
25 housing costs, the county welfare department shall, in appropriate
26 circumstances, set aside the condition specified in clause (ii) of
27 the preceding paragraph.

28 (C) The nonrecurring special need for permanent housing
29 assistance is also available to cover the standard costs of deposits
30 for utilities which are necessary for the health and safety of the
31 family.

32 (D) A payment for or denial of permanent housing assistance
33 shall be issued no later than one working day from the time that a
34 family presents evidence of the availability of permanent housing.
35 If an applicant family provides evidence of the availability of
36 permanent housing before the county welfare department has
37 established eligibility for aid under this chapter, the county welfare
38 department shall complete the eligibility determination so that the
39 denial of or payment for permanent housing assistance is issued
40 within one working day from the submission of evidence of the

1 availability of permanent housing, unless the family has failed to
2 provide all of the verification necessary to establish eligibility for
3 aid under this chapter.

4 (E) (i) Except as provided in clauses (ii) and (iii), eligibility
5 for the temporary shelter assistance and the permanent housing
6 assistance pursuant to this paragraph shall be limited to one period
7 of up to 16 consecutive calendar days of temporary assistance and
8 one payment of permanent assistance. Any family that includes a
9 parent or nonparent caretaker relative living in the home who has
10 previously received temporary or permanent homeless assistance
11 at any time on behalf of an eligible child shall not be eligible for
12 further homeless assistance. Any person who applies for homeless
13 assistance benefits shall be informed that the temporary shelter
14 benefit of up to 16 consecutive days is available only once in a
15 lifetime, with certain exceptions, and that a break in the consecutive
16 use of the benefit constitutes permanent exhaustion of the
17 temporary benefit.

18 (ii) A family that becomes homeless as a direct and primary
19 result of a state or federally declared natural disaster shall be
20 eligible for temporary and permanent homeless assistance.

21 (iii) A family shall be eligible for temporary and permanent
22 homeless assistance when homelessness is a direct result of
23 domestic violence by a spouse, partner, or roommate; physical or
24 mental illness that is medically verified that shall not include a
25 diagnosis of alcoholism, drug addiction, or psychological stress;
26 or, the uninhabitability of the former residence caused by sudden
27 and unusual circumstances beyond the control of the family
28 including natural catastrophe, fire, or condemnation. These
29 circumstances shall be verified by a third-party governmental or
30 private health and human services agency, except that domestic
31 violence may also be verified by a sworn statement by the victim,
32 as provided under Section 11495.25. Homeless assistance payments
33 based on these specific circumstances may not be received more
34 often than once in any 12-month period. In addition, if the domestic
35 violence is verified by a sworn statement by the victim, the
36 homeless assistance payments shall be limited to two periods of
37 not more than 16 consecutive calendar days of temporary assistance
38 and two payments of permanent assistance. A county may require
39 that a recipient of homeless assistance benefits who qualifies under
40 this paragraph for a second time in a 24-month period participate

1 in a homelessness avoidance case plan as a condition of eligibility
2 for homeless assistance benefits. The county welfare department
3 shall immediately inform recipients who verify domestic violence
4 by a sworn statement pursuant to clause (iii) of the availability of
5 domestic violence counseling and services, and refer those
6 recipients to services upon request.

7 (iv) If a county requires a recipient who verifies domestic
8 violence by a sworn statement to participate in a homelessness
9 avoidance case plan pursuant to clause (iii), the plan shall include
10 the provision of domestic violence services, if appropriate.

11 (v) If a recipient seeking homeless assistance based on domestic
12 violence pursuant to clause (iii) has previously received homeless
13 avoidance services based on domestic violence, the county shall
14 review whether services were offered to the recipient and consider
15 what additional services would assist the recipient in leaving the
16 domestic violence situation.

17 (vi) The county welfare department shall report to the
18 department through a statewide homeless assistance payment
19 indicator system, necessary data, as requested by the department,
20 regarding all recipients of aid under this paragraph.

21 (F) The county welfare departments, and all other entities
22 participating in the costs of the CalWORKs program, have the
23 right in their share to any refunds resulting from payment of the
24 permanent housing. However, if an emergency requires the family
25 to move within the 12-month period specified in subparagraph
26 (E), the family shall be allowed to use any refunds received from
27 its deposits to meet the costs of moving to another residence.

28 (G) Payments to providers for temporary shelter and permanent
29 housing and utilities shall be made on behalf of families requesting
30 these payments.

31 (H) The daily amount for the temporary shelter special need for
32 homeless assistance may be increased if authorized by the current
33 year's Budget Act by specifying a different daily allowance and
34 appropriating the funds therefor.

35 (I) No payment shall be made pursuant to this paragraph unless
36 the provider of housing is a commercial establishment, shelter, or
37 person in the business of renting properties who has a history of
38 renting properties.

39 (g) *A child who is placed in the home of a relative caregiver*
40 *shall also receive the following amounts:*

1 *(1) Reimbursement for the cost of reasonable travel for the child*
2 *to remain in the school in which he or she is enrolled at the time*
3 *of placement.*

4 *(2) A specialized care increment, as defined by, and in an*
5 *amount determined in the manner provided in, subdivision (e) of*
6 *Section 11461.*

7 *(3) A clothing allowance, in an amount determined in the*
8 *manner provided in subdivision (f) of Section 11461.*

9 ~~(g)~~

10 *(h) The department shall establish rules and regulations ensuring*
11 *the uniform application statewide of this section.*

12 ~~(h)~~

13 *(i) The department shall notify all applicants and recipients of*
14 *aid through the standardized application form that these benefits*
15 *are available and shall provide an opportunity for recipients to*
16 *apply for the funds quickly and efficiently.*

17 ~~(i)~~

18 *(j) Except for the purposes of Section 15200, the amounts*
19 *payable to recipients pursuant to Section 11453.1 shall not*
20 *constitute part of the payment schedule set forth in subdivision*
21 *(a).*

22 The amounts payable to recipients pursuant to Section 11453.1
23 shall not constitute income to recipients of aid under this section.

24 ~~(j)~~

25 *(k) For children receiving Kin-GAP pursuant to Article 4.5*
26 *(commencing with Section 11360) or Article 4.7 (commencing*
27 *with Section 11385) there shall be paid, exclusive of any amount*
28 *considered exempt as income, an amount of aid each month, which,*
29 *when added to the child's income, is equal to the rate specified in*
30 *Sections 11364 and 11387.*

31 ~~(k)~~

32 *(l) (1) This section shall become operative on April 1, 2013. A*
33 *county shall implement the semiannual reporting requirements in*
34 *accordance with the act that added this section no later than October*
35 *1, 2013.*

36 *(2) Upon implementation described in paragraph (1), each*
37 *county shall provide a certificate to the director certifying that*
38 *semiannual reporting has been implemented in the county.*

(3) Upon filing the certificate described in paragraph (2), a county shall comply with the semiannual reporting provisions of this section.

SEC. 4. Section 11477.02 of the Welfare and Institutions Code is amended to read:

11477.02. (a) Prior to referral of any individual or recipient, or that person's case, to the local child support agency for child support services under Section 17400 or 17404 of the Family Code, the county welfare department shall determine if an applicant or recipient has good cause for noncooperation, as set forth in Section 11477.04. If the applicant or recipient claims a good cause exception at any subsequent time to the county welfare department or the local child support agency, the local child support agency shall suspend child support services until the county welfare department determines the good cause claim, as set forth in Section 11477.04. If good cause is determined to exist, the local child support agency shall suspend child support services until the applicant or recipient requests their resumption, and shall take such other measures as are necessary to protect the applicant or recipient and the children. If the applicant or recipient is the parent of the child for whom aid is sought and the parent is found to have not cooperated without good cause as provided in Section 11477.04, the applicant's or recipient's family grant shall be reduced by 25 percent for such time as the failure to cooperate lasts.

(b) *Consistent with Section 17552 of the Family Code, if aid is paid under this chapter on behalf of a child who is under the jurisdiction of the juvenile court and whose parent or guardian is receiving reunification services, the county welfare department shall determine, prior to referral of the case to the local child support agency for child support services, whether the referral is in the best interest of the child, taking into account both of the following:*

(1) *Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.*

(2) *Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support*

1 *will compromise the parent's current or future ability to meet the*
2 *financial needs of the child.*

3 SEC. 5. Section 13758 is added to the Welfare and Institutions
4 Code, to read:

5 13758. (a) Every youth who is in foster care and has been
6 determined to be ineligible for AFDC-FC benefits shall be screened
7 by the county for potential eligibility for the federal Supplemental
8 Security Income program utilizing the best practice guidelines
9 developed pursuant to Section 13752.

10 (b) An application shall be submitted to the federal Social
11 Security Administration on behalf of a youth who is screened as
12 being likely to be eligible for federal Supplemental Security Income
13 benefits.

14 SEC. 6. No appropriation pursuant to Section 15200 of the
15 Welfare and Institutions Code shall be made for purposes of
16 implementing this act.

17 SEC. 7. If the Commission on State Mandates determines that
18 this act contains costs mandated by the state, reimbursement to
19 local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.